

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

February 20, 2008

Charles R. Fulbruge III  
Clerk

\_\_\_\_\_  
No. 07-10301

Conference Calendar  
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UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JANICE REEDY

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:00-CR-54-2  
\_\_\_\_\_

Before KING, WIENER, and ELROD, Circuit Judges.

PER CURIAM:\*

Janice Reedy appeals the sentence imposed following her resentencing for conspiracy to transport visual depictions involving the use of a minor engaging in sexually explicit conduct in interstate commerce and engaging in certain activities relating to material involving the sexual exploitation of minors and aiding and abetting. Reedy argues that the district court erred under *United States v. Booker*, 543 U.S. 220 (2005), by sentencing her based on facts that were not found by the jury and pursuant to a mandatory guidelines scheme.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Because Reedy raises this argument for the first time on appeal, we review only for plain error. See *United States v. Valenzuela-Quevedo*, 407 F.3d 728, 732 (5th Cir. 2005). Although the mandatory application of the Sentencing Guidelines constitutes error that is now clear in light of *Booker*, Reedy has not shown that this error affected her substantial rights. See *id.*; *United States v. Pennell*, 409 F.3d 240, 245 (5th Cir. 2005). The fact that Reedy was sentenced at the lowest end of the Guidelines does not indicate that her sentence likely would have been different under advisory Guidelines. See *United States v. Duarte-Juarez*, 441 F.3d 336, 339 (5th Cir.), cert. denied, 127 S. Ct. 161 (2006).

AFFIRMED.